

years after the closing of the landfill. The Order in PCB 75-296 also included various other terms designed to protect the environment during closure.

In its recommendation, the Agency concedes that Nelson has substantially complied with all of the requirements of the Board Order in PCB 75-296 and agrees that the north slope should be contoured in a manner similar to the contour effected on the south slope stating that such contouring would be a more environmentally suitable means of closure of the site. In addition, the Agency notes that a new site will be developed and put into operation in this area in early 1977 but that, until this new site is opened, forcing the closure of Kendall County's only operating site would impose an arbitrary and unreasonable hardship upon the community.

Considering the good faith effort on the part of Nelson in achieving substantial compliance with the previous Board Order, and the hardship which would be imposed upon Kendall County by closing its only operating site prior to the development of a new site in early 1977, the Board will grant Nelson an extension of the variance previously granted in PCB 75-296, with certain conditions.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

It is the Order of the Pollution Control Board that William Nelson be granted variance from Rule 202(b)(1) of Chapter 7: Solid Waste Regulations until May 1, 1977 subject to the following conditions:

(a) All relevant terms and conditions of the Board's December 11, 1975 Order in PCB 75-296 shall remain in full force and effect and;

(b) During the term of this variance Nelson shall operate in strict compliance with Chapter 7 and with his closing plan as amended by his present petition specifically including but not limited to:

(i) Application of six inches of cover at the end of each day of operation;

- (ii) Application of two feet of adequate final cover material over the regraded south slope of the site by no later than November 30, 1976;
- (iii) Application of a minimum of twelve inches of adequate intermediate cover material over the central portion and the north slope by no later than December 15, 1976;
- (iv) Revegetation of the site as soon after closure as weather permits, and in no event later than July 31, 1977;

(c) Within 30 days of the adoption of this Order, Petitioner shall execute and forward to the Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound by all the terms and conditions of this Order, said certification to be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 76-211 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 28th day of October, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board